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Letter dated 31 October 2013 from the Permanent Representative of South Sudan to the United Nations addressed to the President of the General Assembly

The Republic of South Sudan is depositing the present voluntary pledge (see annex) in line with the criteria stipulated in General Assembly resolution 60/251, which include:

1. Contribution to and promotion of human rights;

2. Making voluntary pledges and commitments to uphold the highest standards in the promotion and protection of human rights and to fully cooperate with the Council;

3. Commitment to be reviewed under the universal periodic review mechanism during its term.

The aspiration of the people of South Sudan has, over the decades of their struggle, been for freedom and justice, which conform to the principles of that General Assembly resolution.

With those principles in mind, my country humbly requests that you deposit this voluntary pledge with the United Nations through your esteemed office.

(*Signed*) Francis M. **Deng**
Ambassador
Permanent Representative

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Annex to the letter dated 31 October 2013 from the Permanent Representative of South Sudan to the United Nations addressed to the President of the General Assembly

Voluntary pledge of the Republic of South Sudan for candidature to the Human Rights Council

The voluntary pledge of the Republic of South Sudan in support of its candidacy for election to the Human Rights Council for the 2014-2016 term rests on several pillars: the cause of the liberation struggle that led to its independence on 9 July 2011; the commitment to fundamental rights and civil liberties as enshrined in the Transitional Constitution and to be embodied in the permanent constitution; the country's accession to the major international human rights instruments; and cooperation with human rights organizations, including treaty bodies, special procedures, the Office of the United Nations High Commissioner for Human Rights and international and local civil society.

Principles of the liberation struggle

The liberation struggle of the people of South Sudan was, at its core, a fight for human dignity, which is the foundation of human rights. At independence in 1956, the Sudan had been built largely on the identity of a dominant minority that perceived itself in exclusive racial, ethnic, religious and cultural terms, and which discriminated against and marginalized the overwhelming majority of the people of the country, who did not share that exclusive identity. The fundamental objective of the struggle of the people of South Sudan was therefore to bring an end to discrimination, marginalization and exclusion and to promote freedom and full equality of access to power, resources, services and opportunities for employment and socioeconomic development.

South Sudan is the world's newest country, and is therefore still in the process of articulating how it will embody these principles within its new political dispensation. The Republic of South Sudan's interest in joining the Human Rights Council stems from its desire both to contribute to the promotion of human rights, based on the principles that inspired its liberation struggle, and to take advantage of its membership to enhance its knowledge of international human rights and build its capacity to promote and protect those rights. In this context, cooperation with the Office of the United Nations High Commissioner for Human Rights, treaty bodies and special procedures, as well as members of international civil society concerned with human rights, will be particularly beneficial.

Commitment to universal human rights

Although the Republic of South Sudan has to develop a knowledge-base on international human rights and the tools for their realization, given the history of its liberation struggle and the policy objectives emanating from that history, there can be no doubt about its commitment to the criteria stipulated in General Assembly resolution 60/251, which include: (a) contribution to and promotion of human rights; (b) making voluntary pledges and commitments to uphold the highest standards in the promotion and protection of human rights and to fully cooperate

with the Council; and (c) commitment to be reviewed under the universal periodic review mechanism during its term.

The seriousness of the Republic of South Sudan's intention to pursue these objectives and standards is evident in the provisions of the Transitional Constitution, which is one of the sources of inspiration for the permanent constitution currently under development.

Most of the relevant provisions of the Constitution are embodied in its preamble and Bill of Rights.

The preamble refers to "our long and heroic struggle for justice, freedom, equality and dignity in South Sudan". It also refers to the determination of the country "to lay the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law". Furthermore, it states a commitment "to establishing a decentralized democratic, multi-party system of governance in which power shall be peacefully transferred and to upholding values of human dignity and equal rights and duties of men and women".

In part one of the Constitution, which defines South Sudan and its Territory, the document states that South Sudan is "a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully coexist". It stipulates further that "South Sudan is founded on justice, equality, respect for human dignity and advancement of human rights and fundamental freedoms".

Part two, which includes the Bill of Rights, is a comprehensive statement of fundamental rights and civil liberties. It states that it is "a covenant among the people of South Sudan and between them and their government at every level and a commitment to respect and promote human rights and fundamental freedoms enshrined in the Constitution; it is the cornerstone of social justice, equality and democracy". It stipulates further that "All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan will be an integral part of this Bill". The Bill itself "shall be upheld by the Supreme Court and other competent courts and monitored by the Human Rights Commission".

The Bill provides details of a wide range of rights accruing from these fundamental principles, both political and civil rights, and economic, social and cultural rights, with particular emphasis on the rights of women, children and the disabled.

Among the freedoms that are provided for are: freedom from torture; freedom of assembly and association; freedom of representation; freedom of worship; freedom of expression and media; freedom of movement and residence; and many other freedoms associated with political, civil, economic, social and cultural rights, signifying a holistic approach to human rights.

Because of the particular nature of the principles that motivated the liberation struggle, human rights goals, objectives and standards permeate the normative framework of the governance system of South Sudan, even if at this time much greater capacity is required, with the support of the international community, for their full realization.

Accession to international human rights instruments

The Council of Ministers of South Sudan has acceded to a package of treaties and submitted them to the Legislative Assembly for adoption, including the following:

- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- African Charter on Human and Peoples' Rights, 1981
- Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969
- Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, 1979
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- Convention on the Rights of the Child, 1989
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 1997.

The limited list of the instruments to which South Sudan is thus far a party indicates both the young age of the Republic and its capacity to meet the requirements for accession to the treaties, not a lack of will to adhere to international standards.

Beyond the formal adoption of international instruments, the policies, institutional arrangements and measures taken by the Government indicate the commitment of the Republic of South Sudan to the promotion of international human rights norms. Of particular importance to the protection of human rights in South Sudan is the national Human Rights Commission, which is very active and has been vocal in its defence of individual rights.

In accordance with the Transitional Constitution of the Republic of South Sudan, 25 per cent of public positions are reserved for women. The national Constitutional Review Commission has indicated that in the context of the drafting of the permanent constitution this percentage has been raised to 30 per cent. This reflects one of the drivers of the liberation struggle of the people of South Sudan against abuses of women's rights and the denial of representation for women.

The Republic of South Sudan is also committed to protecting the rights of people with disabilities and enhancing the role they can play in the development of the country. People with disabilities should be fully involved in the management of public affairs. The Republic of South Sudan is committed to providing opportunities for all of its citizens, irrespective of the challenges they face as individuals. Citizenship is the foundation for the enjoyment of all constitutional rights and for the discharge of duties without discrimination.

The Republic of South Sudan, through its national Human Rights Commission and the Ministry of Education, has developed an education policy that enshrines the

promotion and protection of human rights in its syllabi. This will be an important means of ensuring that the younger generation is fully apprised of the importance of human rights in the development of the country.

Conclusion

The Republic of South Sudan acknowledges that it is experiencing challenges, particularly in the area of protection of civilians, which are part of the legacy of the long civil war that lasted for most of the last half century. The militarization of the society and the spread of small arms have tended to encourage a quick resort to violence as a means of settling disputes. This makes the protection of civilians a national priority. To this end, reform of the security sector, including both the army and the police, is being undertaken. In line with this objective, South Sudan must strengthen its military and civilian justice system.

If elected to the Human Rights Council, South Sudan hopes to benefit from the experience of its partners and the United Nations bodies to further bridge the gap between its aspirations and its performance, as well as making a contribution to the deliberations of the Council from its particular experience.